

MICHAEL E. MOSS 63408
HENRY Y. CHIU 222927
MOSS, TUCKER, CHIU, HEBESHA & WARD PC
5260 North Palm Avenue, Suite 205
Fresno, California 93704
Telephone: (559) 472-9922
Facsimile: (559) 472-9892

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

* * *

BOARD OF TRUSTEES OF THE PIPE)
TRADES DISTRICT COUNCIL NO. 36)
HEALTH AND WELFARE TRUST)
FUND; BOARD OF TRUSTEES OF THE)
PIPE TRADES DISTRICT COUNCIL NO.)
36 PENSION TRUST FUND; BOARD OF)
TRUSTEES OF THE PIPE TRADES)
DISTRICT COUNCIL NO. 36)
APPRENTICE TRAINING TRUST)
FUND; and BOARD OF TRUSTEES OF)
THE CENTRAL CALIFORNIA PIPE)
TRADES INDUSTRY LABOR-)
MANAGEMENT COOPERATION)
COMMITTEE TRUST FUND)

Case No. CV 12-4309 JCS

**REQUEST AND ORDER TO ADD
CORINNE KATHLEEN WHITE AS
DOE 1**

Plaintiffs,

vs.

S M S INDUSTRIAL INC; LONNY)
MICHAEL WHITE; ORLANDO)
THOMAS MICHELON; OLD REPUBLIC)
SURETY COMPANY; and DOES 1)
through 50,)

Defendants.

1 Plaintiffs Board of Trustees of the Pipe Trades District Council No. 36 Health and
 2 Welfare Trust Fund, Board of Trustees of the Pipe Trades District Council No. 36 Pension Trust
 3 Fund, Board of Trustees of the Pipe Trades District Council No. 36 Apprentice Training Trust
 4 Fund, and Board of Trustees of the Central California Pipe Trades Industry Labor-Management
 5 Cooperation Committee Trust Fund (collectively, "Plaintiffs") hereby request an order from the
 6 Court to add Corinne Kathleen White ("Ms. White") as defendant DOE 1, based the following
 7 facts, and the express consent of Ms. White below:

8 1. Plaintiffs, the remaining defendants and Ms. White have executed a written
 9 "Settlement Agreement Pipe Trades District Council No. 36 Trust Funds and SMS Industrial Inc.
 10 et al." ("Agreement"), which resolves the entire present action, subject to the Court issuing the
 11 order requested herein.

12 2. As part of the Agreement, the remaining defendants and Ms. White have
 13 represented and warranted to Plaintiffs that: (i) defendant Orlando Michelin ("Mr. Michelin")
 14 was not involved with the ownership, management or control of SMS, in any way, for the entire
 15 time period at issue herein, notwithstanding SMS' record to the contrary with the Contractors
 16 State License Board; and (ii) Ms. White acted as the Chief Executive Officer and President of
 17 SMS, or otherwise exercised discretionary authority and control over the management and
 18 dispositions of monies and other assets by, and on behalf of, SMS for the entire time period.

19 3. In reliance upon these representations and warranties, but without conceding the
 20 truth thereof, Plaintiffs, the remaining defendants and Ms. White have agreed that, as part of the
 21 Agreement, Plaintiffs will seek an order from the Court allowing Plaintiffs to add Ms. White as
 22 DOE 1 (the present Request), and that if the Court grants such an order, dismiss Mr. Michelin
 23 from the present action, and the present action in its entirety (including Ms. White), pursuant to a
 24 Notice of Voluntary Dismissal, which Plaintiffs will file subsequently with the Court.

25 Dated: April _____, 2013.

MOSS, TUCKER, CHIU, HEBESHA & WARD

27 _____
 Henry Y. Chiu, Esq.
 Counsel for Plaintiffs

1 I hereby consent, and join in Plaintiffs' request to be added as DOE 1 herein.

2 Dated: April _____, 2013.

CORINNE KATHLEEN WHITE

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4 Corinne K. White, in her individual capacity

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7 *Reviewed and Approved as to Form:*

8 Dated: April _____, 2013.

PATANE GUMBERG LLP

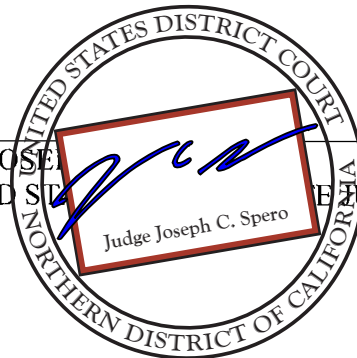
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10 James K. Gumberg, Esq.
11 Counsel for Corinne White

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14 **ORDER**

15 IT IS HEREBY ORDERED THAT CORINNE KATHLEEN WHITE IS ADDED AS A
16 NEW DEFENDANT HEREIN, IN PLACE OF DOE 1.

17 DATED: 4/19/13

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19
20 HON. JOSEPH C. SPERO
21 UNITED STATES DISTRICT COURT
22 JUDGE



1 Plaintiffs Board of Trustees of the Pipe Trades District Council No. 36 Health and
 2 Welfare Trust Fund, Board of Trustees of the Pipe Trades District Council No. 36 Pension Trust
 3 Fund, Board of Trustees of the Pipe Trades District Council No. 36 Apprentice Training Trust
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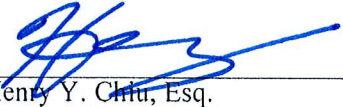
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 22 DOE 1 (the present Request), and that if the Court grants such an order, dismiss Mr. Michelin
 23 from the present action, and the present action in its entirety (including Ms. White), pursuant to a
 24 Notice of Voluntary Dismissal, which Plaintiffs will file subsequently with the Court.

25 Dated: April 18, 2013.

MOSS, TUCKER, CHIU, HEBESHA & WARD

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 Henry Y. Chiu, Esq.
 Counsel for Plaintiffs

1 I hereby consent, and join in Plaintiff's request to be added as ~~DOE 1~~ herein.

2 Dated: April 15, 2013.

CORINNE KATHLEEN WHITE

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4 Corinne K. White, in her individual capacity

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7 Reviewed and Approved as to Form:

8 Dated: April 16, 2013.

PATANE GUMBERG LLP

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10 James K. Gumberg, Esq.
11 Counsel for Corinne White

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14 **ORDER**

15 IT IS HEREBY ORDERED THAT CORINNE KATHLEEN WHITE IS ADDED AS A
16 NEW DEFENDANT HEREIN, IN PLACE OF DOE 1.

17 DATED: _____

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20 HON. JOSEPH C. SPERO
21 UNITED STATES MAGISTRATE JUDGE

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LAW OFFICES
Mona Tucker, Clerk
Hobbs & Ward
A PROFESSIONAL CORPORATION
6266 North Palm Avenue
Suite 206
Fresno, CA 93704

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REQUEST AND ORDER TO ADD CORINNE KATHLEEN WHITE AS DOE 1